

A bill for an act

relating to public safety; increasing criminal penalties for certain sex trafficking offenses; providing housing and support services for victims of human trafficking, and technical training for judges, prosecutors, and law enforcement on human trafficking; increasing public awareness on human trafficking; addressing Minnesota family investment program eligibility and waivers for human trafficking victims; appropriating money; amending Minnesota Statutes 2008, sections 256J.08, subdivision 90; 256J.32, subdivisions 4, 8; 256J.42, subdivision 4; 256J.425, subdivision 3; 256J.521, by adding a subdivision; 256J.575, subdivision 3; 299A.79, subdivisions 2, 3, 4; 299A.795; 609.281, subdivision 5; 609.321, subdivision 7a; 609.322; 611A.036, subdivision 7; 624.712, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 256J; 299A.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

ARTICLE 1

HUMAN TRAFFICKING CRIMINAL AND VICTIM PROVISIONS

Section 1. Minnesota Statutes 2008, section 609.281, subdivision 5, is amended to read:

Subd. 5. **Labor trafficking.** "Labor trafficking" means:

(1) the recruitment, transportation, transfer, harboring, enticement, provision, obtaining, or receipt of a person by any means, whether a United States citizen or foreign national, for the purpose of:

~~(1)~~ (i) debt bondage or forced labor or services;

~~(2)~~ (ii) slavery or practices similar to slavery; or

~~(3)~~ (iii) the removal of organs through the use of coercion or intimidation; or

(2) benefitting, financially or by receiving anything of value, from participation in a venture that has engaged in an act described in clause (1).

Sec. 2. Minnesota Statutes 2008, section 609.321, subdivision 7a, is amended to read:

Subd. 7a. **Sex trafficking.** "Sex trafficking" means:

(1) receiving, recruiting, enticing, harboring, providing, or obtaining by any means an individual to aid in the prostitution of the individual; or

(2) benefitting, financially or by receiving anything of value, from participation in a venture that has engaged in an act described in clause (1).

Sec. 3. Minnesota Statutes 2008, section 609.322, is amended to read:

609.322 SOLICITATION, INDUCEMENT, AND PROMOTION OF PROSTITUTION; SEX TRAFFICKING.

Subdivision 1. **Individuals under age 18.** Whoever, while acting other than as a prostitute or patron, intentionally does any of the following may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$40,000, or both:

(1) solicits or induces an individual under the age of 18 years to practice prostitution;

(2) promotes the prostitution of an individual under the age of 18 years; ~~or~~

(3) receives profit, knowing or having reason to know that it is derived from the prostitution, or the promotion of the prostitution, of an individual under the age of 18 years; or

(4) engages in the sex trafficking of an individual under the age of 18 years.

Subd. 1a. **Other offenses.** Whoever, while acting other than as a prostitute or patron, intentionally does any of the following may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$30,000, or both:

(1) solicits or induces an individual to practice prostitution; ~~or~~

(2) promotes the prostitution of an individual; ~~or~~

(3) receives profit, knowing or having reason to know that it is derived from the prostitution, or the promotion of the prostitution, of an individual; or

(4) engages in the sex trafficking of an individual.

Subd. 1b. **Exceptions.** Subdivisions 1, clause (3), and 1a, clause (3), do not apply to:

(1) a minor who is dependent on an individual acting as a prostitute and who may have benefited from or been supported by the individual's earnings derived from prostitution; or

(2) a parent over the age of 55 who is dependent on an individual acting as a prostitute, who may have benefited from or been supported by the individual's earnings derived from prostitution, and who did not know that the earnings were derived from prostitution; or

(3) the sale of goods or services to a prostitute in the ordinary course of a lawful business.

Subd. 1c. **Aggregation of cases.** Acts by the defendant in violation of any one or more of the provisions in this section within any six-month period may be aggregated and the defendant charged accordingly in applying the provisions of this section; provided that when two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this subdivision.

Subd. 1d. **Sex trafficking; enhanced penalty based on aggravating factors.**

(a) As used in this subdivision:

(1) "aggravating factor" means situations where:

(i) the offender has committed a prior qualified human trafficking-related offense;

(ii) the offense involved a sex trafficking victim who suffered bodily harm during the commission of the offense;

(iii) the time period that a sex trafficking victim was held in debt bondage or forced labor or services exceeded 180 days; or

(iv) the offense involved more than one sex trafficking victim; and

(2) "prior qualified human trafficking-related offense" means a conviction or delinquency adjudication within the ten years immediately preceding the current offense for a violation of or an attempt to violate subdivision 1, clause (4) (sex trafficking of an individual under age 18); subdivision 1a, clause (4) (sex trafficking of an individual aged 18 or over); section 609.282 (labor trafficking); or 609.283 (unlawful conduct with respect to documents in furtherance of labor or sex trafficking).

(b) Notwithstanding the statutory maximum sentence described in subdivision 1 or 1a, a person who intentionally violates subdivision 1, clause (4), or 1a, clause (4), may be sentenced to imprisonment for not more than 25 years or to payment of a fine of not more than \$50,000, or both, if one or more aggravating factors are present.

Sec. 4. Minnesota Statutes 2008, section 611A.036, subdivision 7, is amended to read:

Subd. 7. **Definition.** As used in this section, "violent crime" means a violation or attempt to violate any of the following: section 609.185 (murder in the first degree); 609.19 (murder in the second degree); 609.195 (murder in the third degree); 609.20 (manslaughter in the first degree); 609.205 (manslaughter in the second degree); 609.21 (criminal vehicular homicide and injury); 609.221 (assault in the first degree); 609.222 (assault in the second degree); 609.223 (assault in the third degree); 609.2231 (assault in the fourth degree); 609.2241 (knowing transfer of communicable disease); 609.2242

(domestic assault); 609.2245 (female genital mutilation); 609.2247 (domestic assault by strangulation); 609.228 (great bodily harm caused by distribution of drugs); 609.23 (mistreatment of persons confined); 609.231 (mistreatment of residents or patients); 609.2325 (criminal abuse); 609.233 (criminal neglect); 609.235 (use of drugs to injure or facilitate crime); 609.24 (simple robbery); 609.245 (aggravated robbery); 609.25 (kidnapping); 609.255 (false imprisonment); 609.265 (abduction); 609.2661 (murder of an unborn child in the first degree); 609.2662 (murder of an unborn child in the second degree); 609.2663 (murder of an unborn child in the third degree); 609.2664 (manslaughter of an unborn child in the first degree); 609.2665 (manslaughter of an unborn child in the second degree); 609.267 (assault of an unborn child in the first degree); 609.2671 (assault of an unborn child in the second degree); 609.2672 (assault of an unborn child in the third degree); 609.268 (injury or death of an unborn child in commission of a crime); 609.282 (labor trafficking); 609.322, subdivision 1, clause (4), or 1a, clause (4) (sex trafficking); 609.342 (criminal sexual conduct in the first degree); 609.343 (criminal sexual conduct in the second degree); 609.344 (criminal sexual conduct in the third degree); 609.345 (criminal sexual conduct in the fourth degree); 609.3451 (criminal sexual conduct in the fifth degree); 609.3453 (criminal sexual predatory conduct); 609.352 (solicitation of children to engage in sexual conduct); 609.377 (malicious punishment of a child); 609.378 (neglect or endangerment of a child); 609.561, subdivision 1, (arson in the first degree; dwelling); 609.582, subdivision 1, paragraph (a) or (c), (burglary in the first degree; occupied dwelling or involving an assault); or 609.66, subdivision 1e, paragraph (b), (drive-by shooting; firing at or toward a person, or an occupied building or motor vehicle).

Sec. 5. Minnesota Statutes 2008, section 624.712, subdivision 5, is amended to read:

Subd. 5. **Crime of violence.** "Crime of violence" means: felony convictions of the following offenses: sections 609.185 (murder in the first degree); 609.19 (murder in the second degree); 609.195 (murder in the third degree); 609.20 (manslaughter in the first degree); 609.205 (manslaughter in the second degree); 609.215 (aiding suicide and aiding attempted suicide); 609.221 (assault in the first degree); 609.222 (assault in the second degree); 609.223 (assault in the third degree); 609.2231 (assault in the fourth degree); 609.229 (crimes committed for the benefit of a gang); 609.235 (use of drugs to injure or facilitate crime); 609.24 (simple robbery); 609.245 (aggravated robbery); 609.25 (kidnapping); 609.255 (false imprisonment); 609.322 (solicitation, inducement, and promotion of prostitution; sex trafficking); 609.342 (criminal sexual conduct in the first degree); 609.343 (criminal sexual conduct in the second degree); 609.344 (criminal sexual conduct in the third degree); 609.345 (criminal sexual conduct in the fourth degree);

609.377 (malicious punishment of a child); 609.378 (neglect or endangerment of a child); 609.486 (commission of crime while wearing or possessing a bullet-resistant vest); 609.52 (involving theft of a firearm, theft involving the intentional taking or driving of a motor vehicle without the consent of the owner or authorized agent of the owner, theft involving the taking of property from a burning, abandoned, or vacant building, or from an area of destruction caused by civil disaster, riot, bombing, or the proximity of battle, and theft involving the theft of a controlled substance, an explosive, or an incendiary device); 609.561 (arson in the first degree); 609.562 (arson in the second degree); 609.582, subdivision 1, 2, or 3 (burglary in the first through third degrees); 609.66, subdivision 1e (drive-by shooting); 609.67 (unlawfully owning, possessing, operating a machine gun or short-barreled shotgun); 609.71 (riot); 609.713 (terroristic threats); 609.749 (harassment and stalking); 609.855, subdivision 5 (shooting at a public transit vehicle or facility); and chapter 152 (drugs, controlled substances); and an attempt to commit any of these offenses.

ARTICLE 2

HUMAN TRAFFICKING TRAINING AND PUBLIC AWARENESS

Section 1. Minnesota Statutes 2008, section 299A.79, subdivision 2, is amended to read:

Subd. 2. **Human trafficking training plan.** ~~The training plan required in subdivision 1 must include~~ (a) As used in this section:

~~(1) methods used in identifying trafficking victims, including preliminary interview techniques and appropriate interrogation methods;~~

~~(2) methods for prosecuting traffickers;~~

~~(3) methods for protecting the rights of trafficking victims, taking into account the need to consider human rights and special needs of women and children trafficking victims; and~~

~~(4) methods for promoting the safety of trafficking victims.~~

(1) "governmental agencies" include, at a minimum, state and local health and human services agencies; law enforcement agencies, prosecutorial offices; and administrative and state court judges, magistrates, and referees; and

(2) "nongovernmental organizations" include nonprofit organizations such as social service providers, health care providers, emergency shelters, and other nonprofit organizations that provide services to trafficking victims, including those included under federal law.

(b) The commissioner shall provide governmental agencies and nongovernmental organizations throughout Minnesota with training on human trafficking in all its forms,

including, but not limited to, sex trafficking, labor trafficking, and human trafficking as defined under Minnesota and federal law.

(c) The training required under paragraph (b) must focus on:

(1) Minnesota and federal laws relevant to human trafficking;

(2) methods used in identifying victims of human trafficking as defined in Minnesota and federal law, including preliminary interview techniques and appropriate questioning methods;

(3) methods for prosecuting traffickers under Minnesota and federal law;

(4) methods of increasing effective collaboration with nongovernmental organizations and other relevant social service organizations in the course of investigating and prosecuting a trafficking case;

(5) methods for protecting the rights of victims, taking into account the need to consider the human rights and specific needs of all women and minor victims, including American Indian women and girls, and that victims should be treated as victims rather than criminals; and

(6) methods for promoting the safety of victims, including, but not limited to, safety in the use of the Internet.

(d) The commissioner shall develop and deliver training with the input and participation of appropriate nongovernmental organizations and other relevant organizations. The commissioner may also contract with outside organizations to assist with the duties to be performed under this section.

Sec. 2. Minnesota Statutes 2008, section 299A.79, subdivision 3, is amended to read:

Subd. 3. **Public awareness initiative.** ~~The public awareness initiative required in subdivision 1 must address, at a minimum, the following subjects~~ (a) The commissioner, in cooperation with appropriate nongovernmental organizations, shall prepare public awareness programs designed to educate potential victims of human trafficking and their families about the risks of victimization. Materials must increase public awareness of the causes of human trafficking, of the solutions to preventing and ending human trafficking, and of the problems faced by trafficking victims. The public awareness programs must include, but not be limited to:

(1) information about the risks of becoming a sex trafficking victim, including information about common recruitment techniques; use of debt bondage, forced labor or services, and prostitution and other coercive tactics; risk of maltreatment, rape, exposure to HIV/AIDS, and other sexually transmitted diseases; and psychological harm related to victimization in trafficking cases;

~~(2) common recruitment techniques; use of debt bondage, blackmail, forced labor and services, prostitution, and other coercive tactics; and risks of assault, criminal sexual conduct, exposure to sexually transmitted diseases, and psychological harm~~ information about the risks of engaging in commercial sex, including potential criminal penalties;

(3) information about the risks of becoming a labor trafficking victim;

~~(3) crime~~ (4) information about victims' rights in Minnesota; and

~~(4) (5) methods of reporting recruitment activities involved in trafficking. suspected recruitment activities; and~~

(6) information about local and national hotlines and available victims' services.

(b) The commissioner, in cooperation with other appropriate governmental agencies and appropriate nongovernmental organizations, shall prepare and disseminate general public awareness materials to educate the public on the extent of human trafficking in Minnesota and the United States, and discourage the demand that fosters the exploitation of persons that leads to trafficking.

(c) General public awareness materials under paragraph (b) may include information on the impact of trafficking on individual victims, aggregate information on trafficking worldwide and domestically, and warnings of the criminal consequences of engaging in trafficking as defined under both Minnesota and federal law. These materials may include pamphlets, brochures, posters, advertisements in mass media, and any other appropriate media.

(d) Materials described in this subdivision may include information on the impact of trafficking on individual victims. However, any information on the experiences of individual victims must preserve the privacy of the victim and the victim's family.

(e) Materials must be provided in languages other than English, and must be posted on the Internet and otherwise made generally available. The state demographer shall determine and report to the commissioner the languages that are common enough in the state to merit translations.

(f) All public awareness programs must be evaluated periodically to ensure their effectiveness.

Sec. 3. Minnesota Statutes 2008, section 299A.79, subdivision 4, is amended to read:

Subd. 4. **Report to legislature.** The commissioner shall report ~~the plan~~ progress under this section to the chairs and ranking minority members of the senate and house of representatives committees and divisions having jurisdiction over criminal justice policy and funding by December 15, ~~2006~~ of each year.

ARTICLE 3

TRAFFICKING VICTIM ASSISTANCE

Section 1. Minnesota Statutes 2008, section 299A.795, is amended to read:

299A.795 TRAFFICKING VICTIM ASSISTANCE.

Subdivision 1. **Plan for services.** The commissioner ~~may review the existing~~ ~~services and facilities to meet trafficking victims' needs and recommend a plan that~~ ~~would coordinate the services~~ shall develop plans, in consultation with nongovernmental organizations, for the provision of appropriate services, from governmental and nongovernmental sources, for victims of human trafficking and any dependents accompanying the victims, or parents or guardians of minor victims, including, but not limited to:

(1) ~~medical and mental health services~~ appropriate housing, taking into account the person's status as a victim of crime, and including safe conditions for sleeping, food, and personal hygiene;

(2) ~~housing~~ psychological counseling in a language the victim understands;

(3) ~~education and job training~~ medical assistance in a language the victim understands;

(4) ~~English as a second language~~ child care;

(5) ~~interpreting services~~ other material assistance as appropriate;

(6) ~~legal and immigration services~~ employment, educational, language, and training opportunities; and

(7) legal assistance in a language the victim ~~compensation~~ understands.

Subd. 2. **Approval.** Plans developed under this section must be submitted for approval to appropriate state authorities, which shall also undertake periodic reviews of the plans and their implementation to ensure compliance with the requirements of this section and section 299A.7954 and to ensure that all victims are treated with respect for their human rights and dignity.

Sec. 2. [299A.7954] PROGRAMS FOR TRAFFICKED PERSONS.

Subdivision 1. **Grants awarded.** The commissioner shall make grants to units of local government, Indian tribes, and nonprofit nongovernmental victims' service organizations to develop, expand, or strengthen victim service programs for victims of human trafficking and those at risk for human trafficking, including, but not limited to, sexually exploited youth. Grants must be awarded to carry out the purposes of sections

299A.79 and 299A.795. Grants must be awarded based on the demonstrated need for trafficking victim support services programs.

Subd. 2. **Program for American Indians.** The commissioner shall establish at least one program under this section to provide emergency shelter services, transitional and permanent housing, and support services to trafficked American Indians. The commissioner shall grant continuing operating expenses to the program in the same manner as operating expenses are granted to programs established under subdivision 1.

Subd. 3. **Application.** (a) Any public or private nonprofit agency may apply to the commissioner for a grant to provide emergency shelter services, transitional and permanent housing, and support services to trafficked persons and their children, or to trafficked youth, or both. Any public or private nonprofit agency may apply to the commissioner for a grant to provide training, technical assistance, and for the development and implementation of education programs to increase public awareness of the causes of human trafficking. Priority must be given to agencies with the most expertise serving the target populations and existing programs serving the target populations. The application must be submitted in a form approved by the commissioner, after consultation with the statewide human trafficking task force established in section 299A.7955, and must include:

(1) a proposal for the provision of emergency shelter services, transitional and permanent housing, and support services to trafficked persons and their children, or to trafficked youth, or both;

(2) a proposed budget;

(3) evidence of an ability to integrate into the proposed program the uniform method of data collection and program evaluation established under sections 611A.33 and 611A.34;

(4) evidence of an ability to represent the interests of trafficked persons and their children, and trafficked youth to local law enforcement agencies, courts, county welfare agencies, and local boards or departments of health;

(5) evidence of an ability to do outreach to unserved and underserved populations and to provide culturally and linguistically appropriate services; and

(6) any other content the commissioner may require after considering the recommendations of the statewide human trafficking task force.

(b) Programs that have been approved for grants in prior years may submit materials, which indicate changes in items listed in paragraph (a), clauses (1) to (6), to qualify for renewal funding. Nothing in this subdivision requires programs to submit complete applications for each year of renewal funding.

Subd. 4. **Duties of grantees.** (a) Every public or private nonprofit agency that receives a grant to provide emergency shelter services, transitional and permanent housing, and support services to trafficked persons and their children or to trafficked youth shall comply with all requirements of the commissioner related to the administration of the programs.

(b) Grantees shall submit summary data as defined in section 13.02, subdivision 19, for the purpose of supplementing data on the number of trafficking victims in Minnesota for the report required by section 299A.785.

Subd. 5. **Classification of data collected by grantees.** Personal history information and other information collected, used, or maintained by a grantee from which the identity or location of any victim of human trafficking may be determined is private data on individuals, as defined in section 13.02, subdivision 12, and the grantee shall maintain the data in accordance with the provisions of chapter 13.

Sec. 3. **APPROPRIATION.**

\$..... for the fiscal year ending June 30, 2010, is appropriated from the general fund to the commissioner of public safety to implement Minnesota Statutes, section 299A.7954.

ARTICLE 4

MINNESOTA FAMILY INVESTMENT PROGRAM

Section 1. Minnesota Statutes 2008, section 256J.08, subdivision 90, is amended to read:

Subd. 90. ~~Severe Forms of human trafficking in persons.~~ ~~"Severe forms of trafficking in persons" means~~ "Human trafficking" means:

(1) Sex trafficking:

(i) in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform the act has not attained 18 years of age under the Trafficking Victims Protection Act; or

~~(2) (ii) receiving, recruiting, enticing, harboring, providing, or obtaining by any means an individual to aid in the prostitution of the individual under section 609.321, subdivision 7a.~~

(2) Labor trafficking:

(i) is the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion for the purposes of subjection to involuntary servitude, peonage, debt bondage, or slavery- under the Trafficking Victims Protection Act; or

11.1 (ii) the recruiting, transporting, transferring, harboring, enticing, providing,
11.2 obtaining, or receiving of a person by any means, whether a United States citizen or
11.3 foreign national, for the purpose of debt bondage or forced labor or services; slavery
11.4 or practices similar to slavery; or the removal of organs through the use of coercion or
11.5 intimidation under sections 609.281 to 609.284.

11.6 Sec. 2. Minnesota Statutes 2008, section 256J.32, subdivision 4, is amended to read:

11.7 Subd. 4. **Factors to be verified.** The county agency shall verify the following
11.8 at application:

- 11.9 (1) identity of adults;
- 11.10 (2) presence of the minor child in the home, if questionable;
- 11.11 (3) relationship of a minor child to caregivers in the assistance unit;
- 11.12 (4) age, if necessary to determine MFIP eligibility;
- 11.13 (5) immigration status;
- 11.14 (6) Social Security number according to the requirements of section 256J.30,
- 11.15 subdivision 12;
- 11.16 (7) income;
- 11.17 (8) self-employment expenses used as a deduction;
- 11.18 (9) source and purpose of deposits and withdrawals from business accounts;
- 11.19 (10) spousal support and child support payments made to persons outside the
- 11.20 household;
- 11.21 (11) real property;
- 11.22 (12) vehicles;
- 11.23 (13) checking and savings accounts;
- 11.24 (14) savings certificates, savings bonds, stocks, and individual retirement accounts;
- 11.25 (15) pregnancy, if related to eligibility;
- 11.26 (16) inconsistent information, if related to eligibility;
- 11.27 (17) burial accounts;
- 11.28 (18) school attendance, if related to eligibility;
- 11.29 (19) residence;
- 11.30 (20) a claim of family violence if used as a basis to qualify for the family violence
- 11.31 waiver;
- 11.32 (21) a claim of human trafficking if used as a basis to qualify for the human
- 11.33 trafficking waiver under section 256J.546;

12.1 (22) disability if used as the basis for reducing the hourly participation requirements
12.2 under section 256J.55, subdivision 1, or the type of activity included in an employment
12.3 plan under section 256J.521, subdivision 2; and

12.4 ~~(22)~~ (23) information needed to establish an exception under section 256J.24,
12.5 subdivision 9.

12.6 Sec. 3. Minnesota Statutes 2008, section 256J.32, subdivision 8, is amended to read:

12.7 Subd. 8. **Personal statement.** The county agency may accept a signed personal
12.8 statement from the applicant or participant explaining the reasons that the documentation
12.9 requested in subdivision 2 is unavailable as sufficient documentation at the time of
12.10 application, recertification, or change related to eligibility only for the following factors:

12.11 (1) a claim of family violence if used as a basis to qualify for the family violence
12.12 waiver;

12.13 (2) a claim of human trafficking if used as a basis to qualify for the human trafficking
12.14 waiver under section 256J.546;

12.15 (3) information needed to establish an exception under section 256J.24, subdivision
12.16 9;

12.17 ~~(3)~~ (4) relationship of a minor child to caregivers in the assistance unit;

12.18 ~~(4)~~ (5) citizenship status from a noncitizen who reports to be, or is identified
12.19 as, a victim of severe forms of trafficking in persons, if the noncitizen reports that
12.20 the noncitizen's immigration documents are being held by an individual or group of
12.21 individuals against the noncitizen's will. The noncitizen must follow up with the Office
12.22 of Refugee Resettlement (ORR) to pursue certification. If verification that certification
12.23 is being pursued is not received within 30 days, the MFIP case must be closed and the
12.24 agency shall pursue overpayments. The ORR documents certifying the noncitizen's
12.25 status as a victim of severe forms of trafficking in persons, or the reason for the delay in
12.26 processing, must be received within 90 days, or the MFIP case must be closed and the
12.27 agency shall pursue overpayments; and

12.28 ~~(5)~~ (6) other documentation unavailable for reasons beyond the control of the
12.29 applicant or participant. Reasonable attempts must have been made to obtain the
12.30 documents requested under subdivision 2.

12.31 Sec. 4. Minnesota Statutes 2008, section 256J.42, subdivision 4, is amended to read:

12.32 Subd. 4. **Victims of family violence or human trafficking.** Any cash assistance
12.33 received by an assistance unit in a month when a caregiver is a victim of family violence
12.34 or human trafficking and the caregiver complied with a safety plan, an alternative

13.1 employment plan, or an employment plan under section 256J.521, subdivision 3, does
13.2 not count toward the 60-month limitation on assistance.

13.3 Sec. 5. Minnesota Statutes 2008, section 256J.425, subdivision 3, is amended to read:

13.4 Subd. 3. **Hard-to-employ participants.** An assistance unit subject to the time
13.5 limit in section 256J.42, subdivision 1, is eligible to receive months of assistance under
13.6 a hardship extension if the participant who reached the time limit belongs to any of the
13.7 following groups:

13.8 (1) a person who is diagnosed by a licensed physician, psychological practitioner,
13.9 or other qualified professional, as developmentally disabled or mentally ill, and that
13.10 condition prevents the person from obtaining or retaining unsubsidized employment;

13.11 (2) a person who:

13.12 (i) has been assessed by a vocational specialist or the county agency to be
13.13 unemployable for purposes of this subdivision; or

13.14 (ii) has an IQ below 80 who has been assessed by a vocational specialist or a county
13.15 agency to be employable, but not at a level that makes the participant eligible for an
13.16 extension under subdivision 4. The determination of IQ level must be made by a qualified
13.17 professional. In the case of a non-English-speaking person: (A) the determination must
13.18 be made by a qualified professional with experience conducting culturally appropriate
13.19 assessments, whenever possible; (B) the county may accept reports that identify an
13.20 IQ range as opposed to a specific score; (C) these reports must include a statement of
13.21 confidence in the results;

13.22 (3) a person who is determined by a qualified professional to be learning disabled,
13.23 and the disability severely limits the person's ability to obtain, perform, or maintain
13.24 suitable employment. For purposes of the initial approval of a learning disability
13.25 extension, the determination must have been made or confirmed within the previous 12
13.26 months. In the case of a non-English-speaking person: (i) the determination must be made
13.27 by a qualified professional with experience conducting culturally appropriate assessments,
13.28 whenever possible; and (ii) these reports must include a statement of confidence in the
13.29 results. If a rehabilitation plan for a participant extended as learning disabled is developed
13.30 or approved by the county agency, the plan must be incorporated into the employment
13.31 plan. However, a rehabilitation plan does not replace the requirement to develop and
13.32 comply with an employment plan under section 256J.521; ~~or~~

13.33 (4) a person who has been granted a family violence waiver, and who is complying
13.34 with an employment plan under section 256J.521, subdivision 3; or

(5) a person who has been granted a human trafficking waiver, and who is complying with an employment plan under section 256J.521, subdivision 3a.

Sec. 6. Minnesota Statutes 2008, section 256J.521, is amended by adding a subdivision to read:

Subd. 3a. **Employment plan; human trafficking waiver.** (a) A participant who requests and qualifies for a human trafficking waiver shall develop or revise the employment plan as specified in this subdivision with a job counselor or county, and a person trained in human trafficking. The revised or new employment plan must be approved by the county or the job counselor. The plan may address safety, legal, or emotional issues and other demands on the family as a result of the human trafficking. Information in section 256J.515, clauses (1) to (8), must be included as part of the development of the plan.

(b) The primary goal of an employment plan developed under this subdivision is to ensure the safety of the trafficked person and the person's children. To the extent it is consistent with ensuring safety, the plan shall also include activities that are designed to lead to economic stability. An activity is inconsistent with ensuring safety if, in the opinion of a person trained in human trafficking, the activity would endanger the safety of the participant or the participant's children. A plan under this subdivision may not automatically include a provision that requires a participant to obtain an order for protection or to attend counseling.

(c) If at any time there is a disagreement over whether the activities in the plan are appropriate or whether the participant is not complying with activities in the plan under this subdivision, the participant must receive the assistance of a person trained in human trafficking to help resolve the disagreement or noncompliance with the county or job counselor. If the person trained in human trafficking recommends that the activities are still appropriate, the county or a job counselor must approve the activities in the plan or provide written reasons why activities in the plan are not approved and document how denial of the activities do not endanger the safety of the participant or the participant's children.

Sec. 7. **[256J.546] HUMAN TRAFFICKING WAIVER CRITERIA.**

(a) In order to qualify for a human trafficking waiver, an individual must provide documentation of past or current human trafficking, which may prevent the individual from participating in certain employment activities.

(b) The following items may be considered acceptable documentation or verification of human trafficking:

- 15.1 (1) police, government agency, or court records;
15.2 (2) a statement from staff in emergency shelter services, transitional, or permanent
15.3 housing or support services with knowledge of the circumstances or credible evidence
15.4 that supports the sworn statement;
15.5 (3) a statement from a sexual assault or domestic violence advocate with knowledge
15.6 of the circumstances or credible evidence that supports the sworn statement; or
15.7 (4) a statement from professionals from whom the applicant or recipient has sought
15.8 assistance for the harm suffered from human trafficking.
15.9 (c) A claim of human trafficking may also be documented by a sworn statement from
15.10 the applicant or participant and a sworn statement from any other person with knowledge
15.11 of the circumstances or credible evidence that supports the client's statement.

15.12 Sec. 8. Minnesota Statutes 2008, section 256J.575, subdivision 3, is amended to read:

15.13 Subd. 3. **Eligibility.** (a) The following MFIP or diversionary work program (DWP)
15.14 participants are eligible for the services under this section:

15.15 (1) a participant who meets the requirements for or has been granted a hardship
15.16 extension under section 256J.425, subdivision 2 or 3, except that it is not necessary for
15.17 the participant to have reached or be approaching 60 months of eligibility for this section
15.18 to apply;

15.19 (2) a participant who is applying for Supplemental Security Income or Social
15.20 Security disability insurance; ~~and~~

15.21 (3) a participant who is a noncitizen who has been in the United States for 12 or
15.22 fewer months; and

15.23 (4) a recipient of the human trafficking waiver.

15.24 (b) Families must meet all other eligibility requirements for MFIP established in
15.25 this chapter. Families are eligible for financial assistance to the same extent as if they
15.26 were participating in MFIP.

15.27 (c) A participant under paragraph (a), clause (3), must be provided with English as a
15.28 second language opportunities and skills training for up to 12 months. After 12 months,
15.29 the case manager and participant must determine whether the participant should continue
15.30 with English as a second language classes or skills training, or both, and continue to
15.31 receive family stabilization services.

APPENDIX
Article locations in 09-2481

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ARTICLE 2	HUMAN TRAFFICKING TRAINING AND PUBLIC AWARENESS	Page.Ln 5.14
ARTICLE 3	TRAFFICKING VICTIM ASSISTANCE	Page.Ln 8.1
ARTICLE 4	MINNESOTA FAMILY INVESTMENT PROGRAM	Page.Ln 10.17